

### ABSTRACT

A device for dispensing a predetermined volume of flowable fluid to be taken into the body by the mouth for digestion or absorption has a vessel with a handle, a bottom, and a top lip. A baffle plate and a delivery tube are also provided. The baffle plate has a top surface, a bottom surface, and an opening, and the baffle plate is positioned in the bottom of the vessel so that the bottom of the vessel and the bottom surface of the plate form a reservoir for containing a predetermined volume of flowable fluid. The delivery tube is connected at one end to the reservoir and extends upwardly above the lip of the vessel. When the vessel is filled with flowable fluid, the reservoir fills by way of the opening so that a predetermined volume of fluid is dispensed from the upper end of the delivery tube when the vessel is tipped.--

### Remarks

Applicant submits herewith corrected informal drawings (four (4) sheets), an amended specification, new claims 2-11, and an amended abstract of the disclosure. Reconsideration of the application, as amended, is respectfully requested.

As noted above, this application claims the benefit of provisional application no. 60/302,000, filed July 2, 2001. Formal drawings will be submitted upon allowance of the case. Applicant believes that the specification, as amended, is in compliance with 37 CFR 1.77(b) and does not include new matter.

Applicant respectfully submits that the claims, as amended, overcome the Examiner's objections, and reconsideration is requested. Further, amended claims 2-11 are believed to be in compliance with 35 U.S.C. 112 second paragraph, and Applicant requests reconsideration by the Examiner of that rejection as well.

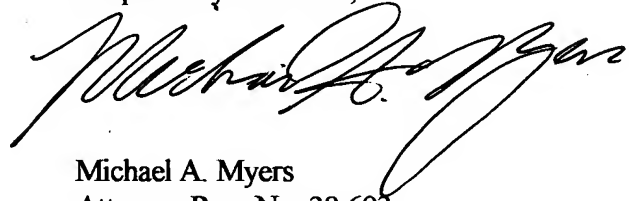
The Examiner also rejected Applicant's original claim 1 under 35 U.S.C. 102(b) as being anticipated by Cornwell (USPN 2,469,292, issued May 3, 1949, "the '292 Patent"). Applicant specifically challenges the Examiner's statement that the '292 Patent "shows all of [Applicant's] device, including a cup (4) and straw (15)." Cornwell discloses a drinking tube holder that includes an expandable member (6) that encircles a glass for holding the clamping end (11) of a metal strip (12). The metal strip has a bore (14) extending through it for receiving a drinking tube, or straw (15). The expandable member secures the metal strip to the exterior surface of the cup. There is no baffle plate, nor reservoir for containing and delivering a predetermined volume of fluid for ingestion shown by Cornwell. The problem solved by the correlation of the novel structures claimed in Applicant's amended claims 2 and 8 is precisely that which is shown by Cornwell's cup and straw: Individuals whose swallowing function is impaired cannot use a cup and straw.

The Examiner's statement that "[t]he preset amount of liquid would depend on the diameter of the straw and amount of 'suction' applied by the user" overlooks, among other things, Applicant's novel delivery tube, baffle plate, and reservoir. These and other structural features of Applicant's device are not shown or suggested in Cornwell. Reconsideration of claims 2-11 is respectfully requested.

Additionally, none of the prior art cited by the Examiner, alone or in combination, describes or suggests Applicant's novel features as claimed in amended claims 2 and 8. In the interest of

expediting the examination of this case, which was filed April 3, 2002, the Examiner is invited to contact the undersigned prior to taking any formal written action. Early and favorable action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Myers", written in a cursive style.

Michael A. Myers  
Attorney Reg. No. 38,693

**MICHAEL A. MYERS, PC**  
Attorney At Law  
3939 Gray Pond Court  
Indianapolis, Indiana 46237  
Tel: (317) 777-3607